

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO.
	§	
	§	
2005 PILATUS AIRCRAFT	§	
BEARING TAIL NO. N679PE	§	
Defendant.	§	

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, Plaintiff, files this action for forfeiture against a 2005 Pilatus Aircraft, bearing tail number N679PE, and alleges on information and belief that:

1. This is a civil action in rem brought to enforce the provisions of: (a) 18 U.S.C. § 981(a)(1), which provides for the forfeiture of personal property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960 or any property traceable to such property; (b) 18 U.S.C. § 981(a)(1)(C) incorporating 18 U.S.C. § 1956(c)(7)(B)(i) and 18 U.S.C. § 1961(1) which provides for the forfeiture of personal property which constitutes or is derived from proceeds traceable to any offense involving the felonious buying, selling, receiving, importing or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act); (c) 18 U.S.C. § 981(a)(1)(C) incorporating 18 U.S.C. § 1956(c)(7)(B)(iv) and 18 U.S.C. § 1961(1) which provides for the forfeiture of personal property which constitutes or is derived from bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official; and (d) 21 U.S.C. § 881(a)(6), which provides for the forfeiture of all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished

by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §801, *et seq.*, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §801, *et seq.*

2. The property subject to forfeiture is a 2005 Pilatus Aircraft, bearing tail number N679PE, hereinafter referred to as Defendant Property.

3. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355. The Defendant Property was seized in Brownsville, Texas and is currently being stored at a government facility in Ft. Lauderdale, Florida. The Defendant Property will be stored in Ft. Lauderdale, Florida during the pendency of this action. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355, 1391 and 1395.

4. The registered owner of Defendant Property is Premier International Holdings, Ltd., a limited partnership (hereinafter referred to as “Premier”). In March 2005, Adrian Gracia (hereinafter referred to as “Gracia”) and Fernando Alejandro Cano Martinez (hereinafter referred to as “Cano”) caused the formation of Premier. The general partner of Premier is AGM Investments, LLC (hereinafter referred to as “AGM”), a company which was formed by Gracia in February 2005. Gracia has 100% ownership of Premier (1% general partner interest in Premier through AGM and 99% limited partner interest individually, according to the partnership agreement). The initial registered agent of Premier was AGM. The registered agent of Premier was changed in September 2009 to Alfredo Vila (hereinafter referred to as “Vila”) and in January 2012 to Pablo Zarate (hereinafter referred to as “Zarate”).

5. Beginning no later than January 1, 1998, and continuing to the present, there existed a large-scale criminal organization known as the “Gulf Cartel.” The armed branch or

'muscle' of the Gulf Cartel was known as the "Zetas," or "Los Zetas," comprised in part of military deserters from the armed forces of Mexico. The headquarters of the Gulf Cartel was in Matamoros, Tamaulipas, Mexico, across the international border from the city of Brownsville, Texas. The primary destination market for controlled substances acquired by the Gulf Cartel was the United States. Cocaine and marihuana were distributed in the Southern and Western Districts of Texas and elsewhere in the United States. Proceeds from the distribution of cocaine and marihuana consisted of large amounts of United States currency, which were transported in the reverse direction, that is, from the United States to the State of Tamaulipas in Mexico. To ensure the continuation of their illegal enterprises, members and associates of the Gulf Cartel used portions of the proceeds derived from the activities articulated above to pay large bribes to high-level elected officials in the State of Tamaulipas and candidates for such offices on an ongoing basis. These bribes were paid in exchange for little or no police interference or forbearance of police action concerning the Gulf Cartel's narcotics trafficking and money laundering activities within the State of Tamaulipas. The bribes were paid directly to corrupt high-level elected officials and candidates for office, and their respective allies, police authorities, and persons within the justice sector of the State of Tamaulipas. This practice occurred at least beginning 1998 through the present, and the aggregate sum of all bribes so paid is unknown, but it is estimated to be well into the millions of dollars.

6. Cano did frequently and routinely receive and control large bribe payments destined for holders of and candidates for high-level elected offices and positions within the State of Tamaulipas, including former Tamaulipas Governor Tomas Jesus Yarrington-Ruvalcaba (hereinafter referred to as "Yarrington"). Cano, among other things, did frequently and routinely

direct or oversee the transfer of proceeds and earnings from said proceeds from Mexico to the United States, and these transfers were conducted in a manner designed to conceal the ownership, nature, source, and control of such proceeds. When such proceeds reached the United States, Cano would use the proceeds to purchase assets in the United States. These purchases were made using third-party or nominee names. Said proceeds were also used to fund ongoing costs associated with some of said assets.

7. Cano, together with other individuals including Gracia, would and did form a series of business entities under the laws of the State of Texas, which entities included limited liability companies (“LLCs”) and limited partnerships (“L.P.s”). Cano, Gracia, and others established and used these LLCs and L.P.s as business fronts and used them as means by which to hide the true ownership, nature, source, and control of the proceeds of the aforementioned illegal activities. Cano, and other individuals, are considered to be nominee purchasers for Yarrington so as to conceal the true ownership of assets that were purchased with illicit proceeds.

8. In or about December 2005, Cano, together with Gracia caused Premier to apply for and receive a loan from a bank in the amount of \$2,570,000. The stated purpose of the loan was the purchase of a 2005 “Pilatus” aircraft, which was registered with the Federal Aviation Administration (FAA) under registration number N679PE, commonly referred to as a “tail number.” In or about December of 2005, Cano signed as the guarantor of the \$2,570,000 loan.

9. Members of Cano’s criminal organization were able to establish ten (10) bank accounts in Mexico at various institutions for the benefit of Cano. Beginning in or about 2007, and continuing thereafter to in or about 2009, Cano and other individuals caused large amounts

of pesos, believed to be proceeds of bribery payments and proceeds of theft to Yarrington from the Cartel, to be deposited into the Mexican bank accounts. The amount of pesos are aggregated to be in the millions. The money was deposited collectively and later transferred to a Mexico-based money transfer business.

10. Beginning in or about 2007, and continuing thereafter to in or about 2009, Cano, and others, caused the funds to be transferred, yet again, from the Mexico-based money transfer business to accounts held in financial institutions within the United States. These transfers were oftentimes the same day that the funds arrived at the Mexico money transfer business.

11. Specifically, from in or about June 2008 through in or about March 2009, Cano, and others, caused the following transfers to be made from the Mexico-based money transfer business to an account held by Premier for servicing the Defendant Property's loan:

<u>Approximate Date</u>	<u>Approximate Amount</u>
June 2008	\$99,272
September 2008	\$99,850
December 2008	\$147,492
March 2009	\$100,000
June 2009	\$50,000

12. In or about February 2012, Zarate petitioned the U.S. bank holding the Defendant Property's loan to extend the loan for Defendant Property. The bank denied the extension. In the same month, Zarate's bank account received a deposit of \$1,481,176.19 in proceeds from drug trafficking. On the same day of the deposit, Zarate's account was debited for an outgoing

payment to the bank holding the Defendant Property loan in the amount of \$1,480,831.68. This money was used to pay off the Defendant Property loan.

13. On June 1, 2012 Homeland Security Investigations agents interviewed the current pilot of Defendant Property. The pilot made mention that he/she was told the Defendant Property previously belonged to “a man going through a divorce and he needed to sell it quickly so his wife wouldn’t get half of the Property.”

14. Agents have interviewed other individuals and analyzed evidence that depict Cano as a nominee purchaser for Yarrington. Yarrington has utilized Defendant Property on many occasions for his personal travel.

15. The Defendant Property is subject to forfeiture pursuant to (a) 18 U.S.C. § 981(a)(1), which provides for the forfeiture of personal property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956, 1957 or 1960 or any property traceable to such property; (b) 18 U.S.C. § 981(a)(1)(C) incorporating 18 U.S.C. § 1956(c)(7)(B)(i) and 18 U.S.C. § 1961(1) which provides for the forfeiture of personal property which constitutes or is derived from proceeds traceable to any offense involving the felonious buying, selling, receiving, importing or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act); (c) 18 U.S.C. § 981(a)(1)(C) incorporating 18 U.S.C. § 1956(c)(7)(B)(iv) and 18 U.S.C. § 1961(1) which provides for the forfeiture of personal property which constitutes or is derived from bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official; and (d) 21 U.S.C. § 881(a)(6), which provides for the forfeiture of all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished

by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §801, *et seq*, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §801, *et seq*.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with 18 U.S.C. § 985 and Rule G(4)(b).

An answer or motion under Fed. R.Civ.P. 12 must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint.

PRAAYER

WHEREFORE, the United States of America prays that judgment of forfeiture be entered against the Defendant Property in favor of the United States of America and for such costs and other relief to which the United States of America may be entitled.

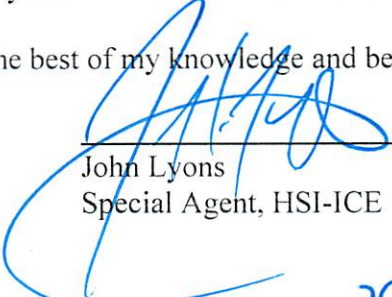
Respectfully submitted,

KENNETH MAGIDSON  
United States Attorney

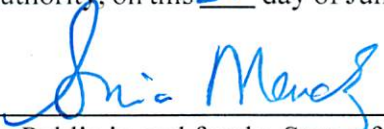
By: s/ Julie K. Hampton  
JULIE K. HAMPTON  
Assistant United States Attorney  
State Bar No. 24032269  
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800 N. Shoreline Blvd., Suite 500  
One Shoreline Plaza  
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VERIFICATION

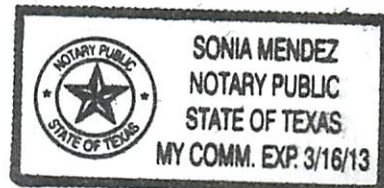
I, John Lyons, a special agent with Homeland Security Investigations–Immigration and Customs Enforcement, hereby affirm and verify that the facts set forth in the foregoing Complaint for Forfeiture in Rem are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
John Lyons  
Special Agent, HSI-ICE

Sworn and subscribed before me, the undersigned authority, on this 29<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas

3-16-2013  
My commission expires:





CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Verified Complaint for Forfeiture In Rem  
was mailed via certified mail, return receipt requested to:

Tomas Jesus Yarrington Ruvalcaba  
Attn: Joel Androphy, Attorney at Law  
Berg & Androphy  
3704 Travis St  
Houston, TX 77002-9506

Maria Antonieta Morales Loo Yarrington  
Attn: Joel Androphy, Attorney at Law  
Berg & Androphy  
3704 Travis St  
Houston, TX 77002-9506

and

Napoles 7 Fracc Rio  
Entre Av Mexico  
Matamoros, Tamaulipas, Mexico

Adrian Gracia

Premier International Holdings, Ltd.

Pablo Zarate

AGM Investments, LLC

Alfredo Vila

Fernando Alejandro Cano Martinez

on this the 10th day of ~~July~~ 2012.

s/ Julie K. Hampton  
JULIE K. HAMPTON  
Assistant United States Attorney